

57.

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

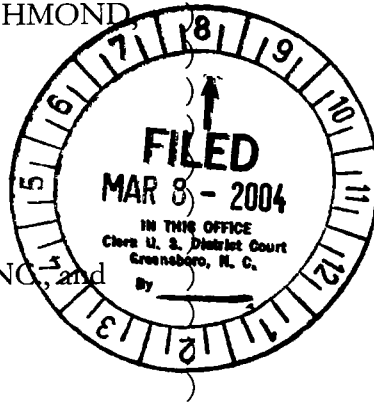
TERRY RICHMOND, Administrator of
the Estate of TIMOTHY RICHMOND
Deceased,

Plaintiff,

v.

INDALEX INC., NOVAR INC., and
NOVAR PLC,

Defendants.



1:02CV01036

ORDER AND JUDGMENT

BEATY, District Judge.

For the reasons stated in the Memorandum Opinion filed contemporaneously herewith,

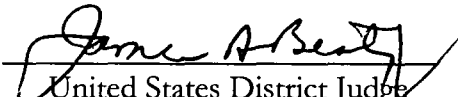
IT IS HEREBY ORDERED that Defendants' Motion to Strike [Document #54] is GRANTED, except that Defendants' request for attorney's fees and costs associated with Defendants' Motion to Strike is DENIED. IT IS FURTHER ORDERED that all portions of Defendants' Suggestion of Subsequently Decided Authority [Document #52] that do not comply with Local Rule 7.3(i) be STRICKEN.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendants Novar plc and Novar Inc.'s Motion to Dismiss [Document #18] is GRANTED in all respects.

Finally, IT IS ORDERED, ADJUDGED, AND DECREED that Defendants' Motion for Summary Judgment [Document #38] is GRANTED with respect to Indalex Inc., but it is DENIED with respect to Novar plc and Novar Inc because Novar plc and Novar Inc. have been dismissed from this case and thus their Motion for Summary Judgment is rendered moot. Accordingly,

Plaintiff's claims against all Defendants are hereby DISMISSED with prejudice.

This, the 4th day of March, 2004.


United States District Judge